

REMARKS

This Amendment is filed in response to the Notice of Non-Compliant Amendment dated September 11, 2008, and is identical to the Amendment filed concurrently with a Request for Continued Examination (RCE) on June 21, 2008 and in response to the Final Official Action dated March 27, 2008, except the deleted claim language is now noted with strike-throughs and this paragraph is modified to reference the September 11th Notice.

Claims 1-20 are pending in this application. Claims 1, 4-9, 12, 17, 18 and 20 are amended herein.

Claims 1, 5, 8, 9, 12, and 17 are independent.

Claim 4 is amended solely to correct on obvious editorial error, and claims 6, 7, 18 and 20 are amended in view of the amendment of their parent claims and/or to correct on obvious editorial error.

Claims 1, 5, and 8 stand rejected under 35 USC §101 (as directed to non-statutory subject matter) and under 35 USC §112, 2nd paragraph, as indefinite.

The claims are amended to address the noted concerns.

Accordingly, it is respectfully requested that the rejections be reconsidered and withdrawn.

Claims 1-5 and 9-16 stand rejected under 35 USC §103(a), as obvious over newly cited and applied deKeller (U.S. Patent Pub. No. 2003/0017867) in view of newly cited and applied Luciano (U.S. Patent No. 6,368,214). Claim 6 now stands rejected under 35 USC §103(a), as obvious over the base combination in view of newly cited and applied Dote (U.S. Patent No. 5,221,083). Claims 7-8 now stand rejected under 35 USC §103(a), as obvious over the base combination in view of newly cited and applied Luciano (U.S. Patent Pub. No. 2004/0023715). Claims 17-20 now stand rejected under 35 USC §103(a), as obvious over newly cited and applied in view of newly cited Sidley (U.S. Patent No. 4,760,527) in view of newly cited and applied deKeller (U.S. Patent Pub. No. 2003/0017867).

Independent claims 1, 5, 9 and 12

The Official Action asserts that DeKeller discloses all the technical features recited in the independent claims 1, 5, 9 and 12, but that DeKeller lacks disclosure of updating of disbursement numbers associated with or corresponding to winning combinations. Accordingly, the Official Action relies on Luciano as disclosing a lottery-type game (poker, blackjack, solitaire, etc) or keno game in which, as balls are drawn or game events occur, the pay table is updated so as to indicate the changing payouts to the player. In Luciano, the updating of the pay table is based on offering lower prizes because the probability of obtaining matches increases as more balls are drawn (Abstract Col. 8:1-Col. 9:24, Figs. 6A-D). The Official Action proposed to modify the gaming system of DeKeller with the dynamic pay table of Luciano to meet the limitations of the present invention.

Amended claim 1 now requires that a disbursement number for each of the plurality of winning combinations be updated so as to update the correspondence of disbursement numbers with the winning combinations independently from respective ranks of the plurality of winning combinations, in response to detection of the operation by the detecting device. (see, for example, page 24, line 25, through page 25, line 14, of the present application specification).

As recognized in the Official Action, the dynamic table of Luciano is updated based on the probability of matching. Therefore, neither DeKeller nor Luciano discloses updating of the correspondence between disbursement numbers and winning combinations independently from respective ranks of the plurality of winning combinations, as now required by claim 1.

It is further respectfully submitted that claims 5, 9, and 12 are also distinguishable over the combination of DeKeller and Luciano for the similar reasons, which are believed to be clear from the above.

Accordingly, it is respectfully requested that the rejection of claims 1, 5, 9, and 12 (and their dependencies) be reconsidered and withdrawn.

Independent claim 8

Claim 8, as amended herein, similarly requires the capability to update a disbursement number for each winning combination so as to update the correspondence of disbursement numbers independently from respective ranks of the plurality of winning combinations, in response to detection of operation of the gaming machine by said detecting device.

Although the Official Action relies on another Luciano reference ('715), in addition to the based combination of DeKeller and Luciano ('214), in rejecting claim 8, it is respectfully submitted that Luciano ('715) is not cited for teachings related to a dynamic pay table and therefore does not cure the above noted deficiency in the base combination. Additionally, as understood, Luciano ('715) does not disclose a dynamic pay table of the type claimed.

Accordingly, it is respectfully requested that the rejection of claim 8 (and its dependencies) be reconsidered and withdrawn.

Independent claim 17

Claim 17 as amended herein requires that in response to the detection of the bet, the previously determined association of disbursement numbers [with winning combinations] is updated based on a lottery result and irrespective of the rank relationship of the plurality of game winning combinations.

The Official Action acknowledges that Sidley lacks a dynamic pay table and relies on deKeller's disclosure in paragraphs 11, 13, 23-32, and 51-56 as disclosing a dynamic pay table. However, as discussed above with regard to claims 1 and 8, it is respectfully submitted that deKeller, and therefore the combination of deKeller and Sidley, lack any teaching or suggestion of updating a previously determined association of disbursement numbers with game winning combinations based on a lottery result and irrespective of the rank relationship of the game winning combinations.

Accordingly, it is respectfully requested that the rejection of claim 17 (and its dependencies) be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously

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solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1227.42917x00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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